

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK A COTTONHAM,)
Plaintiff(s),) No C 08-3419 VRW (PR)
vs) ORDER OF DISMISSAL
SAN FRANCISCO SUPERIOR)
COURT, et al,)
Defendant(s).)

Plaintiff, a prisoner at the San Francisco County Jail, has filed a pro se complaint under 42 USC § 1983 alleging that he is being wrongfully detained on pending probation revocation charges. He seeks an order compelling the San Francisco superior court and district attorney to grant him an immediate hearing and pay him damages.

Plaintiff's claim for injunctive relief must be dismissed because it is well-established that a federal court should not interfere with ongoing state criminal proceedings by granting injunctive or declaratory relief. See Younger v Harris, 401 US 37, 43-54 (1971). There is an exception to Younger abstention if there is evidence of bad faith or harassment on the part of the state, but there is no such evidence (or even indication) here. See *id* at 46, 53-54.

1 Plaintiff's claim for damages against the San Francisco superior court and
2 district attorney must also be dismissed. The Eleventh Amendment bars suit
3 against the superior court and its employees, Simmons v Sacramento County
4 Superior Court, 318 F3d 1156,1161 (9th Cir 2003), and the district attorney is
5 absolutely immune from damages for his conduct as an advocate in the initiation
6 of a criminal case and its presentation at trial, Buckley v Fitzsimmons, 509 US
7 259, 272-73 (1993).

8 For the foregoing reasons, the complaint is DISMISSED under the
9 authority of 28 USC § 1915A(b). The clerk enter judgment in accordance with
10 this order, terminate all pending motions as moot and close the file.

11 SO ORDERED.

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14 VAUGHN R WALKER
United States District Chief Judge